Purchasing Office Solicitation No.: 2012-023

1. <u>Solicitation identified</u>: This Addendum No. 4 applies to the following procurement:

liability, property and workers' compensation insurance products and services

Purchasing Office Solicitation No.: 2012-023

2. Notice to Proposers publication date: December 15, 2011

3. Solicitation release date: **December 15, 2011**

4. Optional Pre-Submittal Conference: January 18, 2012, 2:00 p.m. Central Time,

City Hall Board Room

5. Addendum No. 1 release date: January 25, 2012

6. Addendum No. 2 release date: February 7, 2012

7. <u>Deadline for optional submittal in</u>

writing of questions seeking to revise or clarify any aspect of this

procurement solicitation:

February 14, 2012, 2:00 p.m. Central Time

8. Addendum No. 3 release date: February 15, 2012

9. Addendum No. 4 release date: February 17, 2012

10. Proposals submittal deadline, opening: March 1, 2012, 2:00 p.m. Central Time

(Proposers are welcome but not required, or even expected, to attend the opening of all proposals received. No presentations

will be conducted at this time.)

11. <u>Tentative date of interviews, if</u>

necessary, of one or more finalists: Week of March 19, 2012

12. <u>Tentative date of release of City's</u>

tabulation of proposals received and

notice of intent to award:

April 13, 2012

13. <u>Tentative date of award</u>: Meeting of Board of Mayor and Aldermen at

which is tentatively scheduled to be awarded the selection of the proposal

that best meets the needs of the City:

April 24, 2012

14. <u>Effective date of policy or policies</u>: **July 1, 2012, unless otherwise directed by the**

City of Franklin

Purchasing Office Solicitation No.: 2012-023

15. Addendum:

In reference to the City of Franklin's December 15, 2011 Purchasing Office Solicitation No. 2012-023 for liability, property and workers' compensation insurance products and services, the City has been asked certain questions about the solicitation by one or more vendors who are potential proposers.

The purpose of this Addendum No. 4 is to provide to all vendors who are known or thought to be interested in responding to the referenced solicitation the City's responses to the questions that have been asked prior to the question submittal deadline but have not already been answered by Addenda Nos. 1 through 3.

Please note that the submittal deadline and scheduled opening of all proposals received remains unchanged and is:

March 1, 2012, 2:00 p.m. Central Time

Below are the questions asked prior to the question submittal deadline and not answered by Addenda Nos. 1 through 3, and the City's responses thereto:

Q1: In the past seven years have you had any claims or damages (parts of claims) that were not covered or excluded by your current insurance carrier? If so, please identify those claims individually and provide the dollar amount that you had to pay out of City funds by claim. This is particularly important regarding the Errors or Omissions Liability claims.

A1: See following table:

Case Type	How Settled	<u>Deductible</u>	Amt. Paid past Deductible	
alleges forced to retire	settled	\$5,000.00	\$95,000.00	
alleges wrongful termination	settled	\$5,000.00	\$1,155,721.01	
alleges racial discrimination	settled	\$10,000.00	\$666,222.50	(2 suits)
alleges assault & invasion of privacy	settled	\$10,000.00	\$0.00	
alleges discrimination	settled	\$10,000.00	\$71,000.00	
alleges retaliatory discharge based on disability	trial	\$0.00	\$586,000.00	
alleges wrongful termination	settled	\$5,000.00	\$107,000.00	

- Q2: As respects any Law Enforcement, Errors or Omissions, and Employment Related claims within the past seven years, please identify those claims that were lawsuits that were won (either at trial or through summary judgment), those claims that were lawsuits that were lost at trial, and those claims that were settled out of court through mediation. Please include the amount of money that the City had to contribute in order to settle those claims through mediation.
- A2: See A1. Please refer to our loss runs for law enforcement liability claims.
- Q3: We need the City's FEIN number. Please provide.
- A3: The City's FEIN is 62-6000290.

Purchasing Office Solicitation No.: 2012-023

- Q4: Please provide a different payroll class code for 9420 as this code is invalid with NCCI codes. What code should we use?
- A4: The workers' compensation codes and descriptions assigned to each position are listed for information purposes only and should not be the basis for quoting the City's workers' compensation coverage, and do not necessarily match those of NCCI.
- Q5: Can we have the exposure history (autos, payrolls, population, and budgets) by year for the past 5 years?
- A5: See A5 of Addendum No. 3 for payroll history. For exposure history, please refer to Appendix No. 8, "Franklin, TN Claims Loss Listing by FY, as of 2-1-2012," available upon request made to the Purchasing Office (purchasing@franklin@tn.gov). For budgets, please refer to www.franklintn.gov (budgets are accessible under Finance & Administration > Financial Reporting).
- Q6: Is it possible to get loss information valued within 90 days? The loss info we received was valued 10/1/2011. Please provide more current information. Please make sure it lists total paid, reserve, and incurred.
- A6: Please see Appendix No. 8, "Franklin, TN Claims Loss Listing by FY, as of 2-1-2012," available upon request made to the Purchasing Office (purchasing@franklin@tn.gov).
- Q7: Please advise if there are any multi-claimant, single occurrence workers comp claims that are greater than \$50,000 total incurred in the past 5 years.
- A7: There are no multi-claimant occurrences greater than \$50,000. Yes, the City has had a few single-occurrence claims that total over \$50,000. This number includes any settlements once the employee receives their PPI rating. Please refer to the loss runs to see those claims.
- Q8: Please provide employee concentration by location (street address, city, state, zip, and # of employees at each location).

A8: See following table:

City Facility	Location	No. of City employees	
City Hall	109 3 rd Avenue South Franklin, TN 37064	153	
Police Department HQ	900 Columbia Avenue Franklin, TN 37064	166	
Solid Waste HQ and Transfer Station	417 Century Court Franklin, TN 37064	51	
Street Department HQ	108 Southeast Parkway Franklin, TN 37064	49	
Parks Department HQ	705 Boyd Mill Avenue Franklin, TN 37064	23	

City Facility	Location	No. of City employees	
Water Management Department HQ (includes WMD Administration, Water Distribution and Wastewater Collection)	405 Hillsboro Road Franklin, TN 37064	40	
Fleet Maintenance Shop	405 Hillsboro Road Franklin, TN 37064	8	
Water Treatment Facility	838 Lewisburg Pike Franklin, TN 37064	11	
Water Reclamation Facility	135 Claude Yates Drive Franklin, TN 37064	16	
Fire Station 1	500 N. Highway 96 Franklin, TN 37064	10	
Fire Station 2	907 Murfreesboro Road Franklin, TN 37064	11	
Fire Station 3	298 Mallory Station Road Franklin, TN 37067	6	
Fire Station 4	2039 Fieldstone Parkway Franklin, TN 37067	6	
Fire Station 5	215 Noah Drive Franklin, TN 37064	8	
Fire Station 6	1061 Cool Springs Blvd. Franklin, TN 37067	8	

- Q9: Please provide the current experience modification (mod), and include a worksheet or other verification.
- A9: The City does not have that information.
- Q10: Is transportation provided for employees to or from the workplace? If so, what type, frequency and number of employees per conveyance?
- A10: We do not offer mass transit for our employees. Our police officers take their patrol units home. (We do not let them take it outside Williamson County, so if they live outside Williamson County they will park near the county line and take their personal vehicle home.) Our department directors have take-home vehicles. In our public works departments, upper management employees each usually have a take-home vehicle.
- Q11: Do employees receive supplemental benefits in addition to workers' compensation? If so, please describe.
- A11: For supplemental benefits to workers' compensation, please see Appendix No. 9, "Workers' Compensation Procedures," available upon request made to the Purchasing Office (purchasing@franklin@tn.gov).

- Q12: Are any employees subject to any of the following (and if so, please describe)?
 - Longshore and Harbor Workers' Compensation Act?
 - Jones Act?
 - Federal Employer's Liability Act?
 - Any other Federal Acts exposure?
- A12: No to all of the above. The City does not employ longshoreman, harbor workers, maritime workers or railroad workers.
- Q13: For the two boats owned, can you please describe the watercraft use, number of crew members, passenger capacity?
- A13: We have two swift water boats. We have five John boats flat bottom metal boats that were purchased during the May, 2010 flood. Both types of boats are used for rescue by our Fire department. None of the boats are motorized; they are strictly paddle boats. The swift water boats could have up to seven firefighters and one passenger. The John boats have two firefighters and accommodate 2-4 passengers.
- Q14: Have there been any OSHA violations in the past 5 years? If so, please describe what they were and how they were corrected.
- A14: Yes, the City had minor violations in 2008 and 2011. For abatement reports, please see Appendix No. 10, "OSHA and TOSHA Violations, 2008 and 2011," available upon request made to the Purchasing Office (purchasing@franklin@tn.gov).
- Q15: Does the City have any occupational disease exposures (includes: asbestos; silica dusts, toxic, injurious or hazardous substances, compounds or chemicals, caustics, fumes, radiation, communicable diseases and any other occupational disease exposures)? If so, please describe the measures taken to control each exposure.
- A15: For the City's Exposure Control Plan for Bloodborne Pathogens and Employee Chemical Exposure Report please see Appendix No. 11, available upon request made to the Purchasing Office (purchasing@franklin@tn.gov). All the employees the City considers to be at risk for exposure, such as Fire, Police and Water and Wastewater employees, are trained annually. These employees are also provided the designated personal protective equipment. The City follows all OSHA guidelines for chemicals, training and updating our MSDS books.
- Q16: Does the City have any foreign operations or employees who travel to foreign countries? If so, please describe.
- A16: The City of Franklin doesn't have any foreign operations or employees who travel to foreign countries.

- Q17: Does the City manufacture, produce, refine, store, distribute or transport gases, gasoline or flammables? If so, please describe.
- A17: The City of Franklin doesn't manufacture, produce, refine, store, distribute or transport gases, gasoline or flammables.
- Q18: Does the City perform any underground, subaqueous or tunneling operations? If so, please describe.
- A18: The City of Franklin doesn't perform any underground, subaqueous or tunneling operations.
- Q19: Does the City do any wrecking, dismantling or demolition work? If so, please describe.
- A19: Our Parks Department is getting ready to demolish some old 4H buildings off Eddy Lane. This is not a frequent job task.
- Q20: Does the City's operations involve exposure to risk associated with either height (e.g., loaders, ladders) or burns (e.g., from extreme heat such as welding or fire or from caustic chemicals)? If so, please describe.
- A20: The City of Franklin has a Fire Department. These employees would be exposed to heights and burns. Our Franklin Fire department has a high angle rescue team that is specially trained for high angle rescues. They are all certified through the Tennessee Fire and Codes Academy. The team consists of over 20 employees. The Fire Department also has fire ladder trucks. The Street Traffic Division uses a bucket truck to repair traffic lights.
- Q21: Does the City subcontract any work to others? If so, please describe.
- A21: Yes, the City of Franklin subcontracts work. For example, the City hired Jenco Construction to do the City's streetscape improvements along Columbia Avenue. Jenco hired Wasco to do the City's brick walls at intersections along Columbia Avenue.
- Q22: Please provide details (short narrative, including total paid/incurred claim cost) for any EEOC claims in the past 5 years.
- A22: Please refer to A1 above. All of these lawsuits began with an EEOC claim. There were no findings against the City of Franklin resulting from initial EEOC claim.
- Q23: Does the City want Sexual Harassment coverage?
- A23: Yes.

- Q24: If the City does want Sexual Harassment coverage, then has any insurer ever cancelled or non-renewed this type of coverage? If so, please describe.
- A24: No insurer has ever cancelled or non-renewed this type of coverage.
- Q25: If the City does want Sexual Harassment coverage, then are you aware of any facts, incidents or circumstances which may result in claims being made against the City? If so, please describe.
- A25: No.
- Q26: If the City does want Sexual Harassment coverage, then have there been any sexual harassment claims against the City in the past 5 years? If so, please report the total number of claims, and provide the following information for any claim in excess of \$10,000 Total Incurred: Date of alleged or actual initial abuse, Date claim was brought, Description of loss or alleged abuse, Total Paid, Total Incurred, Open or closed date, Valuation date.
- A26: There have been no sexual harassment claims against the City of Franklin in the past five years.
- Q27: If the City does want Sexual Harassment coverage, then is training for the procedures described in the employee handbook provided to all supervisory personnel, and is the training documented in their files?
- A27: Yes. The City of Franklin's sexual harassment policy is in our Human Resources Manual. Each department has a copy of the Human Resources Manual. It is also on the City's intranet site. There is Civil Treatment training conducted for all employees annually for four hours and supervisors get 8 hour training annually. All new employees are trained on our sexual harassment policy when they are hired. When annual evaluations are reviewed with the employee, the supervisor goes over the sexual harassment policy.
- Q28: If the City does want Sexual Harassment coverage, then does top management support the City's sexual harassment policy?
- A28: The top management supports the City's sexual harassment policy.
- Q29: If the City does want Sexual Harassment coverage, then is the policy disseminated to all employees?
- A29: Yes, the City of Franklin disseminates to its employees annually information on its sexual harassment policy. Also, all new employees are required to attend new employee orientation.
- Q30: If the City does want Sexual Harassment coverage, then are new employees provided with a copy of the policy at orientation?
- A30: Yes.

- Q31: If the City does want Sexual Harassment coverage, then is the training on the policy offered to all employees?
- A31: Yes, all managers get one hour of training annually and all employees get 45 minutes through Civil Treatment program.
- Q32: If the City does want Sexual Harassment coverage, then is the training documented in their files?
- A32: Yes, a certificate is placed in each employee's file.
- Q33: If the City does want Sexual Harassment coverage, then has legal counsel reviewed the policy?
- A33: Yes.
- Q34: Does the City want Sexual Abuse coverage?
- A34: No.
- Q35: Law enforcement: What training do part-time / auxiliary armed officers receive? Is the training give before duty assignment? What types of assignments do these officers perform?
- A35: The City of Franklin doesn't use part-time or auxiliary armed officers.
- Q36: Law enforcement: Has the department provided any training regarding racial profiling prevention?
- A36: Yes, police officers are trained on this annually. The City includes this in their inservice training.
- Q37: Dispatching & 911 Service: Are all incoming calls to dispatchers and 911 operators recorded? How long are the tapes maintained?
- A37: All incoming calls are recorded. Tapes are maintained a minimum of five years.
- Q38: Zoning: Provide the estimated number of building permits granted in the past year, and how many building permits denied.
- A38: The City of Franklin has had 308 building permits granted in the past year. The Building and Neighborhood Services department works with all permit applicants to get the permits approved. There are probably less than five permits that aren't approved annually.
- Q39: Employee information: Total number of EEOC complaints in the past year.
- A39: The City of Franklin has had one EEOC complaint in the past year.

- Q40: Financial information: What is your latest bond rating (Moody's or Standard & Poor's)?
- A40: The City of Franklin has an AAA bond rating from Moody's and Standard & Poor's.
- Q41: Fireworks exhibitions: Number of Fireworks events in the past year. How many next year?
- A41: The City of Franklin has one firework exhibition each year. This is for our Fourth of July celebration.
- Q42: Fireworks exhibitions: Is the pyrotechnician an Employee or Independent Contractor?
- A42: The pyrotechnician we use is an independent contractor.
- Q43: Sewer utility: Are any operations contracted? If yes, please send certificate of insurance and copy of hold harmless.
- A43: No operations are contracted.
- Q44: Sewer utility: Year the system was built and year of last upgrade.
- A44: We can't answer this question. There are so many components to each system. We continuously upgrade as needed.
- Q45: Water utility: Are all facilities fenced?
- A45: Yes.
- Q46: Water utility: Is water provided to neighboring entities?
- A46: No.
- Q47: Water utility: The system age and year of last upgrade.
- A47: We can't answer this question. There are so many components to each system. We continuously upgrade as needed.
- Q48: Water utility: Do you contract any part of the water operations? If yes, please provide certificate of insurance.
- A48: No operations are contracted.

Purchasing Office Solicitation No.: 2012-023

Q49: Special events: Please describe any events that are put on by the City of Franklin. Please include dates and duration of events and describe your responsibility for the event. Also include any security/crowd control and safety precautions. Please note if alcoholic beverages are available at the events and, if they are, please included estimated liquor sales for each event.

A49: See following table:

Citizens Government Academy	Overview of Franklin government for citizens	Fall
Citizens Police Academy	Overview of Franklin Police Dept. for citizens	Fall
Citizens Fire Academy	Overview of Franklin Fire Dept. for citizens	Spring
Police Explorer's Post	Explorers post for youth (14-18)	ongoing
Fire Dept. Explorers	Explorers post for youth (14-18)	ongoing
Juvenile Fire setters Intervention	Intervention program for juvenile fire setters	Summer
Arbor Day	Celebration of Arbor Day at Pinkerton Park	April
Franklin on the Fourth	Fourth of July celebration	July
Movies in the Park	series of movies at Pinkerton Park	Summer
Concert Series	series of musical concerts at various parks	Summer
5K Night Run	5K run at night through Downtown Franklin	Fall
Veteran's Day Parade	parade for Veteran's day	November
Battle of Franklin Anniversary	commemorative celebration of Battle of Franklin (includes 10,000 luminaries)	November
Family Day at Harlins dale		Fall

City staff is present at all these events. The Police department handles crowd control and security. The City of Franklin utilizes a Special Events Advisory Team that meets monthly to discuss all special events within the City of Franklin, not just those that are co-sponsored by us. Each department is represented on the committee and the event organizer is also present. This allows us to communicate with the event organizer on any safety issues that we consider important. None of these events listed have alcoholic beverages sold. However, there are a number of events that do have alcoholic beverages sold, but they are not sponsored by the City of Franklin. We require those events to have beer/liquor permits and we also have the event organizer have more police officers at the special event.

- Q50: Chemical spraying: Are there any chemical spraying operations? If yes, please describe purpose and frequency. Please list all chemicals used and where they are stored. Please describe which employees are doing the spraying.
- A50: We have Parks employees that do pesticide spraying. They are certified to do so. All the chemicals used are stored at the Parks department in a locked storage area. We have an MSDS program, too.
- Q51: Cemetery: Are there any cemetery operations? If so, please describe operations performed by City of Franklin. Also include how many plots, estimated burial plots expected in the next 12 months and how many burials performed in the past 3 years.
- A51: No cemetery operations. We maintain a historical cemetery on Fourth Avenue but it is strictly limited to landscape maintenance.

- Q52: Workers' compensation: Do you have a return to work program?
- A52: Please refer to A12 on Addendum No. 3.
- Q53: Workers' compensation: Are there more than 100 employees at a single location? If yes, please indicate the address of the location with the most employees at one time, indicate the maximum number of employees at the above location at any one time, indicate if any flammable liquids or heavy combustible load present at the above location, and indicate if any underground parking beneath building at the above location.
- A53: Please refer to A8 and A15 above. The City of Franklin doesn't have any underground parking. Both garages located on 2nd and 4th Avenues are above ground.
- Q54: Fiduciary liability: Need the name and years employed for the following: Fund Manager or Contract Administrator, Consultant / Actuary, CPA, Legal Counsel, Investment Manager, and Custodian of Assets?
- A54: The City currently has fiduciary liability insurance and is not interested in purchasing additional coverage at this time.
- Q55: Fiduciary liability: If no investment manager is listed above, who makes the City's investment decisions?
- A55: See A54.
- Q56: Fiduciary liability: Who administers the daily operations of the trust or plan?
- A56: See A54.
- Q57: Fiduciary liability: How often are formal trustee meetings held?
- A57: See A54.
- Q58: Fiduciary liability: Need the following information for the past 3 years: size of the plan; total assets; annual contributions; and number of participants.
- A58: See A54.

Purchasing Office Solicitation No.: 2012-023

- 16. <u>Acknowledge receipt of addendum</u>: Proposers shall acknowledge receipt of this addendum on the Proposal Submittal Form in the space to the right of the text on that form that reads, "Receipt acknowledged of any and all issued addenda to this solicitation."
- 17. <u>Questions</u>: The deadline for optional submittal in writing of questions seeking to revise or clarify any aspect of this procurement solicitation has now passed. To ask questions of a procedural nature, please contact:

City of Franklin Purchasing Office Franklin City Hall, Suite 107 109 3rd Ave. South Franklin, TN 37064 purchasing@franklintn.gov

Tel: 615/550-6692 Fax: 615/550-0079

18. Communication with City during procurement phase: Any questions about either the content of or the procurement process pertaining to this procurement solicitation should be addressed as described above. Until the procurement award has been made, vendors shall not communicate about either the content of or the procurement process pertaining to this procurement solicitation with any official, employee or other representative of the City except through the City's Purchasing Office. The City reserves the right to disqualify any vendor that initiates unauthorized communication with the City during the procurement phase.